

NEW YORK TIMES

Approved For Release 2004/07/08 : CIA-RDP81M00980R000400040039-2

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~~FOUO-EDIT-SECRET-UNDATED~~

24C.1978 N.Y. TIMES NEWS SERVICE

THE NEW YORK TIMES SAID IN AN EDITORIAL ON SATURDAY, JULY 29:

AA BALANCING ACT ON SECRECY

"THE MANY ABUSES OF THE SECURITY SYSTEM CAN NO LONGER BE TOLERATED," SAID THE PRESIDENT. "FUNDAMENTAL TO OUR WAY OF LIFE IS THE BELIEF THAT WHEN INFORMATION WHICH PROPERLY BELONGS TO THE PUBLIC IS SYSTEMATICALLY WITHHELD BY THOSE IN POWER, THE PEOPLE SOON BECOME IGNORANT OF THEIR OWN AFFAIRS, DISTRUSTFUL OF THOSE WHO MANAGE THEM AND - EVENTUALLY - INCAPABLE OF DETERMINING THEIR OWN DESTINIES."

IT COULD HARDLY HAVE BEEN SAID BETTER. THE PRESIDENT, "IN KEEPING WITH MY PLEDGE TO CREATE AN OPEN ADMINISTRATION," WAS ISSUING A NEW EXECUTIVE ORDER ON CLASSIFIED INFORMATION "DESIGNED TO LIFT THE VEIL OF SECRECY WHICH NOW ENSHROUDS ALTOGETHER TOO MANY PAPERS WRITTEN BY EMPLOYEES OF THE FEDERAL ESTABLISHMENT - AND TO DO SO WITHOUT JEOPARDIZING ANY OF OUR LEGITIMATE DEFENSE OR FOREIGN POLICY INTERESTS."

THE PRESIDENT WAS RICHARD NIXON. THE TIME WAS MARCH 1972, THREE MONTHS BEFORE THE START OF THE COVER-UP THAT DESTROYED HIS ADMINISTRATION. CLEARLY, EXECUTIVE ORDERS ABOUT HOW TO HANDLE THE NATION'S SECRETS DO NOT AN OPEN ADMINISTRATION MAKE.

SO IT WILL BE, ALSO, WITH PRESIDENT CARTER, WHO RECENTLY TRIED HIS HAND AT A NEW, IMPROVED EXECUTIVE ORDER AIMED AT THE SAME ABUSES. HIS ADMINISTRATION, TOO, WILL BE JUDGED BY MANY MEASURES, INCLUDING THE CASES OF FRANK SNEPP AND THE PROSECUTION OF TWO AGENTS FOR VIETNAM. IN THE SNEPP AFFAIR, THE GOVERNMENT THOROUGHLY CONFUSED ITS DUAL OBLIGATION TO PROTECT SECRETS WHILE ALSO PROTECTING FREE SPEECH BY SUEING FOR MONEY DAMAGES FROM A FORMER CIA OFFICIAL BECAUSE HE BROKE A PROMISE TO CLEAR HIS BOOK THROUGH THE AUTHORITIES. IN THE SPY TRIAL THE GOVERNMENT WAS NOT CONTENT TO PROSECUTE ESPIONAGE BUT ALSO CHARGED THE THEFT OF INFORMATION, UNDER A LAW CUSTOMARILY APPLIED TO PROTECT TANGIBLE PROPERTY. THE IDEA THAT GOVERNMENT OWNS INFORMATION, AS UNDER A COPYRIGHT, WAS DISCREDITED WHEN THE NIXON ADMINISTRATION TRIED TO USE IT AGAINST DANIEL ELLSBERG IN THE CASE OF THE PENTAGON PAPERS; IT GAINS NO DIGNITY JUST BECAUSE THE INFORMATION HAS BEEN TRANSMITTED TO A FOREIGN POWER. THE CARTER ADMINISTRATION'S PLEDGES OF OPENNESS ARE NOT ENHANCED BY SUCH POSSESSIVE CLAIMS.

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STILL, THE WHITE HOUSE DESERVES SOME CREDIT FOR ITS NEW APPROACH TO SECRET FILES. IT CONTINUES A TREND TOWARD TIGHTER DEFINITION OF WHAT CAN BE STAMPED SECRET; REDUCES THE NUMBER OF OFFICIALS EMPOWERED TO WIELD THE STAMPS AND HASTENS THE "DECLASSIFICATION" OF DOCUMENTS WHEN THE REASON FOR SECRECY HAS DISAPPEARED. A SIGNIFICANT ADVANCE IN DECLASSIFICATION MAY BE THE SO-CALLED "BALANCING TEST" IN WHICH A DOCUMENT STILL USEFULLY SECRET MAY BE RELEASED IN DEFERENCE TO THE PUBLIC INTEREST IN HAVING THE INFORMATION DISCLOSED.

THE NEW EXECUTIVE ORDER IS THE FIRST TO BE DRAWN WITH THE ADVICE OF PUBLIC CRITICS OF INFORMATION POLICY AND NOT ONLY OF INTERESTED PARTIES IN THE PENTAGON AND THE INTELLIGENCE AGENCIES. IT IS A GOOD PIECE OF WORK. BUT THE DAILY TEMPTATION OF BUREAUCRATS IS TO "WITHHOLD INFORMATION" AS A MATTER OF CONVENIENCE AS WELL AS SAFETY. SO THE SPIRIT OF THIS EXECUTIVE ORDER NEEDS TO BE SPREAD THROUGHOUT THE FEDERAL GOVERNMENT; TOO OFTEN, SUCH LIBERAL DOCUMENTS HAVE MERELY BECOME CLOAKS FOR SECRETIVENESS.

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